

**Attachment A1**  
**Justification & Approval (J&A)**  
**Justification For Other Than Full And Open Competition**  
**41 U.S.C. 3304**

J&A No.: XXX

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.3 and in accordance with the requirements of FAR 6.303-1, the justification for the use of the statutory authority under FAR Subpart 6.3 is justified by the following facts and rationale required under FAR 6.303-2 as follows:

**1. Agency and Contracting Activity.**

Department of Homeland Security  
Federal Emergency Management Agency  
Office of the Chief Information Officer  
()  
19844 Blue Ridge Mountain Road  
Bluemont, VA 20135

**2. Nature and/or description of the action being approved.**

- (a) Type of action: Firm-fixed price contract
- (b) Amount:
- (c) Type of funding: Disaster Relief Fund, Salaries & Expenses
- (d) Year of funding: FY 2016 and FY 2017
- (e) This action is for the award of WIRELINE's IDIQ. The period of performance will be a three (3) month Base and one three (3) month Option period to be exercised at the Government's sole discretion with Fiscal Year 2016 and FY 2017 funds, in an amount not to exceed \$ .

Sole Source award to Verizon Federal Inc.  
22001 Loudoun County Parkway  
Ashburn, VA 20147

**3. Description of Supplies/Services.**

This procurement is for providing local telecommunication equipment and services to support FEMA infrastructure nationwide (CONUS and OCONUS), which will enable the

agency charged with the centralized direction of emergency management to fulfill its mission. Specifically, this procurement will:

- Provide local wireline telecommunications voice, data and video services, audio and video teleconferencing equipment, miscellaneous ancillary equipment such as cables and connectors, and maintenance services to FEMA.
- Maintain local connectivity anywhere in the Continental United States (CONUS) and outside the Continental United States (OCONUS) under all FEMA mission conditions.
- Ensure the most technologically effective, commercially advanced and cost effective intra-LATA equipment and services solutions.
- Ensure that proposed intra-LATA equipment and services can adapt to and comply with FEMA IT and cybersecurity standards.
- Promptly resolve trouble reports and manage troubleshooting issues with all vendors related to intra-LATA equipment and services with minimal impact on customers.
- Ensure no loss of service or functionality during non-emergency and surge conditions, such as a disaster and other emergency/escalated conditions.
- Ensure accurate and timely invoicing.

Period	Unit Price	Total

**4. Identification of statutory authority permitting other than full and open competition.**

The statutory authority permitting other than full and open competition is 41 U.S.C. 3304(a)(1) pursuant to FAR 6.302-1, Only one responsible source and no other supplies or services will satisfy agency requirements.

**5. Demonstration that the nature of the acquisition require use of the authority cited.**

- a. Background information about the requirement;

FEMA's mission requires robust and reliable telecommunications services to all permanent and temporary locations during disaster and non-disaster conditions. These include voice, data and video services necessary to support all manner of communications between FEMA officials in various locations, with other officials in other federal agencies, with state and local officials and those in cooperating agencies, and with the general public. Such services have been obtained through contracts with commercial telecommunications providers for over ten years.

The new competed contract is continuing to be worked but due to higher FEMA HQ strategy shifts and extreme resource constraints the re-compete had to be delayed. FEMA will compete this contract within the next 6 months with no further delays and no more bridge contracts. Currently all personnel involved are working overtime on disasters and also this and other acquisitions to ensure full and open competition requirements are met.

However, FEMA HQ in conjunction with higher level DHS HQ mandated a shift in our telecommunications strategy to become more survivor centric with a focus on the early phases of disaster support and on the ground FEMA support. This delayed our initial acquisition strategy, necessitating a new strategy. FEMA leaders have also been transforming FEMA to focus much more on the early phases of disaster support, with many more on-the ground and early disaster FEMA personnel in support. The past 9 months have also seen an unusually active disaster season.

The offices that support this wireline telecommunications recompile are also directly supporting the wired telecommunications support for all FEMA personal on the ground in disasters. The offices have had to directly support hundreds of task orders and on the ground support of the installation of wired telecommunications at many new disasters such as the recent disaster in West Virginia. Per FEMA leadership, when a large disaster such as the recent West Virginia disaster hits we must put all our focus on helping the states and citizens recover and get support. The focus is on urgently saving lives and property and providing immediately needed FEMA response. We are currently up-resourcing our personnel to support this more survivor-centric, early disaster support vision.

The Incumbent Contractor provides a variety of telecommunication commodities and services in support of emergency and non-emergency FEMA operations. These include: 2 Way dial service (POTS), intra-LATA (Local Access and Transport Area) voice and data services at T-1 (1MB) and higher bandwidths, DID and DOD services, ISDN-BRI services, Off Premises Extension (OPX), local broadband services (DSL, Cable) and TV Broadcast Services.

The incumbent Contractor provides detailed billing data in electronic format to FEMA's Mobility Service Center (MSC). The MSC reviews and verifies invoices, handles disputes, and provides information to the FEMA Contracting Officer. In addition, the MSC prepares and issues service orders, monitors delivery schedules, and tracks compliance with performance metrics.

b. Details covering what events led to the situation requiring use of other than full and open competition procedures;

The incumbent's most recent contract awarded January 2015, with six (6) months base and two (2) three-month options to be exercised has been extended and the current expiration date is 29 August 2016. The current contract will be bridged with six (6)

months base and one three (3) months option period. This contract will allow regions to cut task orders.

A new competed contract will be put into place in FY2017. The transition period for any new service provider must allow for a seamless continuation of the current services. Allowing for a short-term contract will assure FEMA can get a new contract in place and maintain a state of readiness and response, as it transitions to new services and equipment with award of a new contract.

The new competed contract is continuing to be worked but due to higher FEMA HQ strategy shift the re-compete had to be delayed. A strategy has been agreed upon and the new competed contract is moving forward with an estimated award date sometime in the 2<sup>nd</sup> quarter of FY2017.

c. Why considered alternatives will not work;

The FEMA program office determined that at this juncture in the contract re-compete process, only two (2) viable alternatives exist that would fully ensure the continuation of the critical wireline services beyond the current contracts period of performance:

1. Alternative 1: Award a short-term sole source contract to the incumbent Contractor.
2. Alternative 2: Award a short-term sole source contract to another Contractor.

The following table provides a comparison of the two alternatives:

Alternative Comparison		
Evaluation Criteria	Incumbent Contractor	New Contractor
Award of sole source contract prior to or near the current contract expiration date of August 29, 2016.	Possible to award a short-term sole source prior to August 29, 2016	Extremely difficult, if not impossible, to award a short-term contract to a new contractor prior to the expiration of the current contractor if it is to be a complete award.
Contractor Resource Clearance	Incumbent personnel have been vetted and have obtained the credentials to access FEMA facilities, data, and ordering system.	New contractor personnel must have favorably adjudicated background investigations to access FEMA facilities, data, and ordering system. This can be both a costly and lengthy process, particularly if contractor personnel are not currently working on a FEMA contract.
Utilization of FEMA's Network Inventory and Optimization Solution (NiOS) ordering system	Incumbent personnel have the credentials, tools, and training to access and utilize NiOS.	New contractor personnel will require access and user training to utilize NiOS.
Transition of "Responsible Agent" for FEMA's current wireline circuits and services. The contractor, acting as FEMA's agent,	Incumbent is the currently the "Responsible Agent", so no transition is required.	FEMA's Performance Work Statement (PWS) for the re-compete contract requires the contractor to provide a Transition Plan and

receives Monthly invoices for all of the various services, the contractor consolidates the billing information and circuit data and delivers to FEMA. The contractor is responsible for payment of all wireline services invoices. Payments are then made by FEMA to the contractor for all verified and approved invoices.		milestone schedule for transitioning current services. The Plan shall provide for the transition of existing services within 60 days of award.  It will be necessary for any new contractor to have ample time (60 days) to successfully transition services.
---	--	---

A comparison of the two alternatives leads to the conclusion that a sole source award to the incumbent contractor to allow for transition period six (6) months to a new, fully re-competed contract is the only viable alternative that ensures interrupted service that meets FEMA's requirements

d. Which authority applies and why;

Authority for the proposed action is FAR 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements. This authority applies because without these services FEMA's mission will suffer greatly. The services and supplies from this requirement provides local telecommunications equipment, audio and video teleconferencing equipment and maintenance support, ancillary items such as cables and services to FEMA for disaster and non-disaster environments. Maintain local connectivity anywhere in the continental United States (CONUS) and outside the continental United States (OCONUS) under all FEMA mission conditions. This contract bridge will allow regions to cut task orders.

e. Explain the impact to the mission that would result if the J&A is not approved and, consequently, the product or service not provided;

The following is a detailed list of services that will not be performed during a lapse of this contract:

- Voice, data and video communications between FEMA permanent and disaster locations, with outside cooperating agencies and organizations, and with the public. This will have an immediate negative impact on FEMA's more than 5,000 full time employees working in FEMA headquarters in Washington D.C., at regional and area offices across the country, the Mount Weather Emergency Operations Center, and the National Emergency Training Center in Emmitsburg, Maryland. Loss of telecommunications services will also negatively affect FEMA's nearly 9,000 standby disaster assistance employees who are available for deployment after disasters.

- Federal Regional Emergency Support During Disasters: National Security Emergency Preparedness (NSEP) Plan and processes, procedures, and network capabilities to provide network facility augmentation and restoration during NSEP events consistent with the National Telecommunications Management Structure (NTMS) and the Telecommunications Service Priority (TSP) System.
- Accurate and timely invoicing and reporting of wire line telecommunications services would not be maintained. The current inventory and budgetary levels would be compromised without continuing service & reporting.

**6. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.**

Efforts to ensure the offers from multiple sources are concentrated in the re-compete solicitation, as it is FEMA's intent to award an Indefinite Delivery Indefinite Quantity (IDIQ) task order under the Alliant GWAC in FY 2017.

The planned schedule for the re-competition will permit a period of overlapping contracts that will ensure a transition period that is long enough to provide a timeframe that will allow no break in the current services.

DHS intends to make this justification publically available pursuant to FAR 6.305 on FedBizOpps within 14 days after award.

**7. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.**

The contracting officer determines that the anticipated price(s) will be fair and reasonable based on prior acquisition history.

**8. Description of market research.**

Market research was conducted from January 2015 through May 2016 for this bridge requirement. The market research identified, following this bridge, that this requirement will be re-competed for an estimated award date in the 2<sup>nd</sup> quarter of FY2017, which will include a base year and four 12 month option periods. This determination was made due to FEMA mission requirements to support disasters and the role the incumbent serves to meet those requirements.

The services that will be provided under this new contract are linked to multiple strategic objectives such as FEMA's Strategic Objective 2.2: Improve the individual and collective readiness and capabilities of FEMA's workforce. Objective 3.1: Strengthen capabilities with the greatest potential to change outcomes on the ground in catastrophic disasters, Strategy 3.1.1: Continue to build and sustain the National Preparedness System and Strategy 3.1.3: Support efforts that ensure continuity of Federal government operations during a wide range of

emergencies. Objective 5.4: Streamline and strengthen FEMA's business processes and systems, Strategy 5.4.1: Review existing Information Technology resources and focus on investments that enhance efficiency, accessibility, resilience, and critical capabilities while reducing cost. The current contractor-provided services are tightly integrated with FEMA's infrastructure in the agency's permanent offices and disaster locations. Those services are essential to the day-to-day work of FEMA employees and must be available without disruption to support disaster response and recovery missions.

**9. Any other facts supporting the use of other than full and open competition.**

Allowing for a short-term contract will assure FEMA can maintain a state of readiness and response, as it transitions to new services and equipment with award of a new contract.

The current Contractor's ordering, provisioning and invoicing processes have been in place for the past 5+ years. The FEMA MSC's internal management processes have become closely integrated with and dependent on those of the Incumbent. It would not be possible to modify those internal MSC processes prior to the expiration of the current contract.

**10. A listing of the sources, if any that expressed, in writing, an interest in the acquisition.**

No interest has been received for this three (3) months Base and (3) months Option bridge.

**11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for supplies or services required.**

FEMA will re-compete the telecommunications and related equipment and services provided under the wireline contract. FEMA has been diligently working towards the re-compete and re-compete strategy after a necessary and higher HQ shift in FEMA's wireline telecommunications plans. The unusually active disaster season, higher FEMA HQ great emphasis on total and survivor centric, on the ground support for disasters, and total focus on early disaster support have temporarily delayed much HQ level activity the past 8 months. Also, the Incumbent Contractor's ordering, provisioning and invoicing processes have been in place for the past 6+ years. The FEMA MSC's internal management processes have become closely integrated with and dependent on those of the Incumbent. The MSC has initiated action to change its internal processes and management systems over the next 12 months. When completed, such actions will provide independence from any one vendor's systems and encourage competition from other qualified telecommunications providers in the market.

FEMA plans to develop a new solicitation that will not only ensure the continuity of current telecommunications services, but also provide a means to acquire:

- New capabilities now available in the commercial market such as SIP Trunking for integrated voice and data communications

- A short-term/long-term duration Non Recurring Charge (NRC) /Monthly Recurring Charge (MRC) fee structure
- Certain technical and management services on a Time & Material basis
- Other direct costs (ODC)/subcontract procurement capability

FEMA is currently investigating the potential to utilize an existing Government Wide Acquisition Contract (GWAC) for this acquisition with the goals of reducing overall cost and encouraging responses from a larger number of vendors.

**12. Contracting Officer's Certification.** I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

Contracting Officer

Date

**13. Technical/Requirements Personnel Certification.** I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

Technical Representative/COA

Date

016

## APPROVAL:

Contracting Officer: Not exceeding \$700K

Date

And any determination and justification for a contract awarded under FAR 6.302-7, Public Interest, regardless of dollar amount.

TV

--

Competition Advocate

Date

\$700K to not exceeding \$13.5 mil

And any determination and justification for a contract awarded under FAR  
6.302-7, Public Interest, regardless of dollar amount.